



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 29/10/2020

PRESENT

The Hon'ble Mr.Justice **G.K.ILANTHIRAIYAN**

W.P. (MD).No.12791 of 2016

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S.Rajendran

...Petitioner

Vs.

1. The General Manager,
Reserve Bank of India,
Chennai.

2. The Assistant General Manager,
Canara Bank,
Grand Central Branch,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to issue necessary direction to the 2nd respondent to return back the vehicle bearing temporary Registration to the petitioner after collecting the reasonable outstanding towards the petitioner's loan Account No.1008.603.200, based on the petitioner's representation, dated 11.04.2016 made to the 1st respondent.

For Petitioner	: Mr.K.Kannan
For R1	: No Appearance
For R2	: Mr.R.Pandivel

O R D E R

This Writ Petition is filed seeking a direction to direct the first respondent to issue necessary direction to the second respondent to return back the vehicle bearing temporary Registration to the petitioner after collecting the reasonable outstanding towards the petitioner's loan Account No.1008.603.200, based on the petitioner's representation, dated 11.04.2016 made to the first respondent.

2.It is seen that the petitioner borrowed a loan from the second respondent to purchase B.M.W.Car to the tune of Rs.26 lakhs. After purchasing the Car, the petitioner failed to pay the monthly instalments. Therefore, the second respondent approached the Debt Recovery Tribunal, to recover the loan amount from the petitioner in O.A.No.746 of 2014 on the file of the Debt Recovery Tribunal, Madurai. The Debt Recovery Tribunal, appointed an Advocate Commissioner to seize the Car, which was purchased by the



petitioner, on the loan availed by the second respondent herein. Accordingly, the Advocate Commissioner seized the Car from the petitioner and auction has been conducted. In the auction, the Car was sold and the sale proceeds has been appropriated towards the loan availed by the petitioner.

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3.The learned counsel for the second respondent submitted that after issuance of notice to the petitioner, the Debt Recovery Tribunal has passed an order and accordingly the Car has been seized from the custody of the petitioner. Therefore, it was auctioned and sale proceeds has been adjusted towards the loan amount. The petitioner did not file any appeal as against the order passed by the Debt Recovery Tribunal in O.A.No.746 of 2014.

4.Therefore, if at all any illegallity found in the order passed by the Debt Recovery Tribunal, the petitioner ought have file an appeal as against the order passed by the Debt Recovery Tribunal in O.A.No.746 of 2014. Instead of filing any appeal, the petitioner has approached this Court and come forward with this Writ Petition with a direction to return of the vehicle from the second respondent herein.

5.Therefore, this Writ Petition is devoid of merits and the same is dismissed. No Costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1. The General Manager,
Reserve Bank of India,
Chennai.
2. The Assistant General Manager,
Canara Bank,
Grand Central Branch,
Madurai.

W.P. (MD) .No.12791 of 2016
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CK (CO)
CS (10.11.2020) 2P 3C